

### **TITLE 3: HEALTH AND SANITATION AND ANIMAL REGULATIONS**

#### **DIVISION 7: PUBLIC NUISANCES**

##### **Chapter 1: Public Nuisances.**

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###### **37.011 Purpose.**

Notwithstanding any other provision of this Code, whenever there is a condition or use existing on private land and such use or condition is a public nuisance and is a violation of any provision of this Code, the following proceedings may be used as an alternative to any other proceeding or manner of getting abatement set forth in this Code.

**Adopted Ordinance #1497 (1969);**

###### **37.012 Definitions.**

(a) "Public Officer" as used herein shall mean the Administrator of the Environmental Improvement Agency, the County Health Officer, the County Agricultural Commissioner, all of the County of San Bernardino.

(b) "Fenced" or "walled enclosure" shall mean an area completely enclosed by a structure, at least five feet (5') in height, and at which area a person is present at regular business hours as manager or employee.

**Adopted Ordinance #1497 (1969); Amended Ordinance #1979 (1975)**

###### **37.013 Notice of Violation.**

Any party who is the owner or possessor of land upon which is located a public nuisance which is a violation of a provision of this Code may be served with a written notice by the Public Officer to abate such public nuisance and violation. The notice shall demand that such person remedy or abate the public nuisance which is a violation within a period of time that may not require results in less than ten (10) days. The notice thereof shall be served personally on such person, or, if he cannot be readily found, shall be served by registered mail (return receipt requested) or, if he cannot be served by mail, then service shall be accomplished by posting such notice on a conspicuous place on the land specified.

**Adopted Ordinance #1497 (1969);**

###### **37.014 Authority to Enter Upon Land.**

The Public Officer, or his assistants, deputies, employees or contracting agents may enter upon the land for posting or serving notice, or, also, for abating any such public nuisance and violation as herein provided.

**Adopted Ordinance #1497 (1969);**

###### **37.015 Public Hearing on Notice of Abatement.**

Any party served, constructively or personally, may have a public hearing before the Board of Supervisors within eight (8) days of said service, at the next regular meeting of the Board falling within such eight (8) day period. Such hearing shall be to determine if such public nuisance and violation in fact exists. If the Board finds that such public nuisance and violation does not exist, no further proceedings under this chapter shall take place. If the Board finds that such public nuisance and violation does in fact exist, further proceedings shall be followed as provided herein. This hearing and determination by the Board of Supervisors shall be had only if demanded within the eight (8) day period by a party having some interest in the land.

**Adopted Ordinance #1497 (1969);**

**37.016 Abatement by the Public Officer.**

If the public nuisance and violation is not abated after ten (10) days after the notice thereof, or after any further period of time as may be allowed by the Board of Supervisors, the Public Officer shall have the same abated.

**Adopted Ordinance #1497 (1969);**

**37.017 Account and Itemized Report.**

The Public Officer, in the event that he has the abatement accomplished as provided herein, shall prepare an account of the cost or abatement and shall render an itemized report in writing to the Board of Supervisors showing the total cost of the abatement, including administrative costs necessarily incurred.

**Adopted Ordinance #1497 (1969);**

**37.018 Notice of Account and Itemized Report.**

Before the account and itemized report are submitted to the Board of Supervisors, a copy shall be served on the same parties and in the same manner as the notice as provided in Section 37.013.

**Adopted Ordinance #1497 (1969);**

**37.019 Hearing.**

Within twenty-two (22) days after the service thereof, any person so served may have a public hearing before the Board of Supervisors at a regular meeting of the Board falling within such period, at which time the Board shall hear any objections to such accounting and report.

**Adopted Ordinance #1497 (1969);**

**37.0110 Modification or Confirmation of Report.**

The Board of Supervisors, at a public hearing if one is requested, or at any other regular meeting if no public hearing is requested, shall make any modifications in the account and report as it deems necessary, after which, by order or resolution, the account and report shall be confirmed.

**Adopted Ordinance #1497 (1969);**

**37.0111 Special Assessment and Lien.**

The amounts of the cost for abating the public nuisance and violation from the land, as confirmed, shall constitute a special assessment against that land and a lien.

**Adopted Ordinance #1497 (1969);**

**37.0112 Collection of Expense.**

A copy of the report as confirmed shall be turned over to the Auditor, who shall enter the amount of the assessment against the parcel of land as it appears on the current assessment roll. The Tax Collector shall include the amount of the assessment on bills for taxes levied against the lots and parcels or land. Thereafter the amount of the assessment shall be collected at the same time and in the same manner as County taxes are collected, and be subject to the same penalties. On land for which no property tax is due, the lien shall be collected at the same time taxes on the land are collected, and in a similar manner.

**Adopted Ordinance #1497 (1969);**

**37.0113 Cancellation.**

All or any portion of any such special assessment, penalty, or cost entered pursuant hereto, shall on order of the Board of Supervisors be cancelled by the Auditor if uncollected, or, except in the case provided for in Subdivision (e) hereof refunded by the County Treasurer if collected, if it or they were entered, charged or paid:

- (a) More than once;
- (b) Through clerical error;
- (c) Through the error or mistake of the Board of Supervisors or the Public Officer in respect to any material fact;
- (d) Illegally;
- (e) On land acquired after the lien date by the State or by any county, city, school district, or other political subdivision and because of this public ownership not subject to sale for delinquent taxes.

**Adopted Ordinance #1497 (1969);**